

PLANNING AND ZONING COMMISSION
STAFF REPORT

August 21, 2014



Rezoning case no. RZ14-15: Mark W. Bedgood

CASE DESCRIPTION: a request to change the zoning classification from Office District (C-1) to Retail District (C-2)

LOCATION: 1.918 acres of land adjoining the southwest side of the North Earl Rudder Freeway West Frontage Road, addressed as 1003 North Earl Rudder Freeway, between Symphony Park Drive and Long Drive

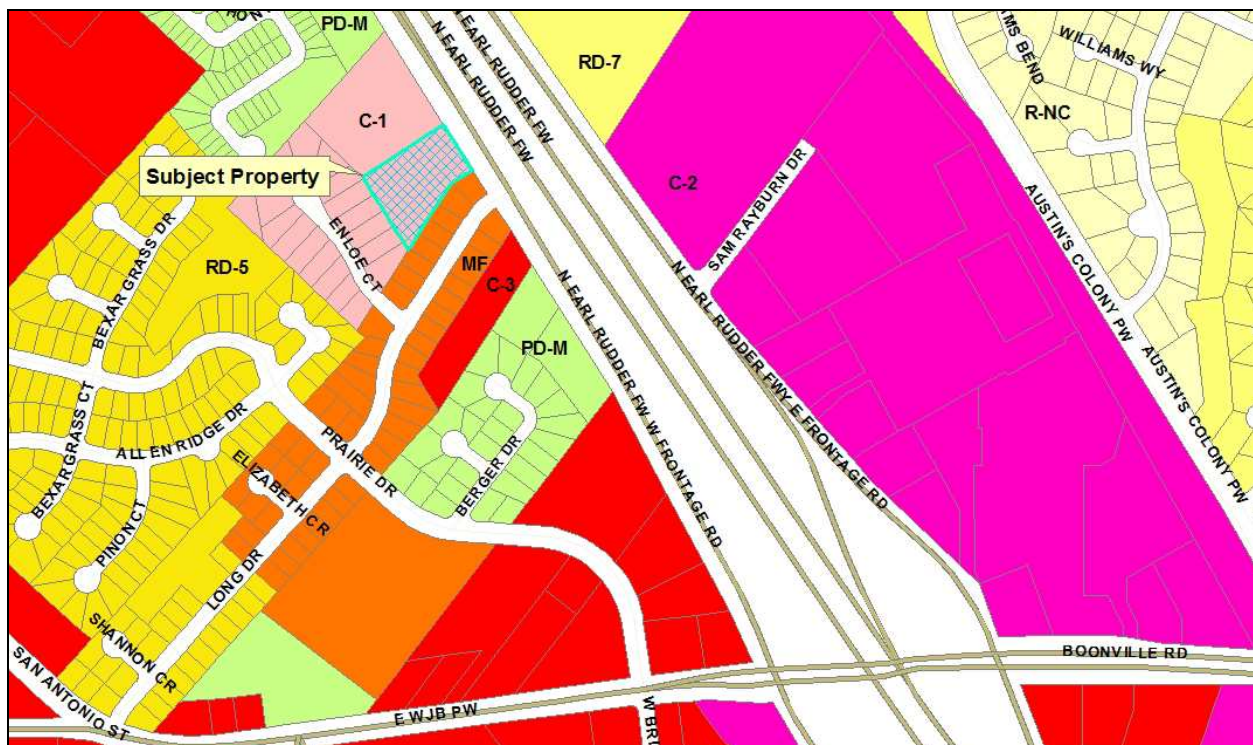
LEGAL DESCRIPTION: 1.918 acres of land being the Department of Public Safety Area Office Subdivision

EXISTING LAND USE: Vacant DPS Area Office

APPLICANT(S): Mark W. Bedgood

STAFF CONTACT: Randy Haynes, Senior Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** the proposed rezoning, as requested.



AERIAL PHOTOGRAPH – 2013:



BACKGROUND:

The applicant is requesting to change the zoning classification from the current Office District (C-1) designation to Retail District (C-2) on these 1.918 acres of land adjoining the southwest side of the North Earl Rudder Freeway West Frontage Road, addressed as 1003 North Earl Rudder Freeway, between Symphony Park Drive and Long Drive. Existing area land uses consist of duplex residences to the southeast and southwest and an office building immediately adjacent to the north west. The northeast edge of the property lies along the 450-foot wide right-of-way of the North Earl Rudder Freeway (SH-6).

The duplex residences southeast of the subject property are in the Willow Estates Phase II Subdivision, and were built about the same time as the former Texas Department of Public Safety building; around 1980. The duplexes along Enloe Court, immediately southwest of the subject property are in the Enloe Addition which was platted in 2000. The land occupied by the Enloe Addition is zoned for Office (C-1) use, but a Conditional Use Permit for duplex residences in C-1 was approved in 1996.

Upon completion of a new office facility in 2008, the Department of Public Safety relocated and the vacated subject property was recently sold at public auction. Mr. Mark Bedgood, who represents the group of successful bidders and is the applicant, wishes to convert the property to retail use and is requesting rezoning from C-1 to C-2.

The C1, Office District is established to create a flexible district for low intensity office and professional uses generally in smaller buildings. Some light intensity retail uses are also permitted. Permitted uses should be compatible with adjacent residential areas by limiting heights to two stories and utilizing buffers and landscape materials. Adaptive reuse of existing structures is encouraged.

The C2, Retail District is established to provide locations for various types of general retail trade, business and service uses. The district allows shopping areas or uses which are generally compatible near or adjacent to, but not usually directly in, residential neighborhoods. These shopping areas should utilize established landscape and buffering requirements and generally be limited to two stories in height. The Retail District should be located along or at the intersection of major collectors or arterials to accommodate higher traffic volumes.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted a new Comprehensive Plan in January 2007. The plan includes policy recommendations related to the various physical development aspects of the community. The Comprehensive Plan states that it is a goal of the City to achieve a balance of land uses within the City by achieving a sustainable mix of land use types in suitable locations, densities and patterns.

5.5 Land Use Policies

Regional Retail land serves as a commercial resource for the greater metropolitan area and generates vital sales and ad valorem income. These uses should be located in areas that are:

- At points of highest visibility and access; and
- In close proximity to major intersections (freeway/expressways and freeways, freeways and major arterials, and major arterials and major arterials).

The level of importance placed on redevelopment and infill drove the need for policies specific to those types of development. Among the areas listed in the Comprehensive Plan as areas appropriate for redevelopment were:

- Areas where there is potential for efficient transportation access between jobs, housing, and services.
- Areas of outdated development originally built at the fringe of the city that have become more central as the city has grown around them.
- Areas already undergoing redevelopment.
- Areas where infrastructure capacity exists.
- Existing employment centers.

Included in the policy statements adopted within the Comprehensive Plan were several that directly addressed the subject of infill and redevelopment. These statements are located in section 5.5.

- The City of Bryan will encourage and promote compatible infill and redevelopment in areas where these activities will benefit the city as a whole and the area specifically.
- The City will encourage flexibility when drafting regulations geared toward infill and redevelopment.
- Residential redevelopment and infill shall be sensitive to the context within which it occurs. Contextual standards shall be included to ensure compatibility with surrounding residential areas, to include lot size, setbacks, density, building height and mass and architectural design

Finally, in section 5.6, the Comprehensive Plan set out goals, objectives and action statements intended to guide implementation of policies adopted regarding land use and

infill development.

GOAL #2: FACILITATE ORDERLY, EFFICIENT AND ATTRACTIVE DEVELOPMENT, REDEVELOPMENT AND INFILL.

Objective A: Provide for an efficient development process.

Action Statement 1: Reevaluate the current zoning code to identify inconsistencies and impediments to development.

ANALYSIS:

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors:

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to general area and the City as a whole.

Staff believes that C-2 zoning on the subject property as proposed will be appropriate and is in accordance with land use recommendations of the Comprehensive Plan. Staff contends that redevelopment of this former State of Texas facility to regional retail use is a good choice in this specific location. Staff maintains that due to high visibility of the subject property along a major transportation corridor, more intense commercial use is appropriate and will add to the orderly urban growth in this area. Staff also believes the current C-1 of the subject property will not allow development to the best and highest use.

2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area and shall note the findings.

Water, sanitary and storm sewer capacity in the area is adequate with a suitable margin for expansion. Expansion of existing services, should it be required, would occur at time of redevelopment and will have to comply with all applicable City standards.

The subject property is located directly adjacent to the North Earl Rudder Freeway southbound access road, a one-way roadway capable of carrying very large amounts of traffic. The intersection of Earl Rudder and William Joel Bryan Parkway, a major arterial street, lies 0.4 miles to the southeast.

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

A substantial amount of undeveloped land zoned to accommodate retail uses remains vacant at this time. Staff is generally unaware of barriers to development on those properties.

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

At this point in time, development and redevelopment pressures are moderate in the vicinity of the subject property.

5. How other areas designated for similar development will be, or are unlikely to be affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

If the proposed zone change was approved, staff believes there to be few, if any, effects on other areas designated for similar development.

6. Any other factors affecting health, safety, morals, or general welfare.

Staff is unable to identify factors otherwise unmitigated by required development standards that might affect health, safety, morals, or general welfare if this rezoning were approved.

RECOMMENDATION:

Based on all these considerations, staff recommends **approving** the requested zone change, finding that the proposed C-2 zoning on the subject property would be consistent with the land use recommendations of the Bryan Comprehensive Plan.